

**Notice of Allowability**

Application No.	Applicant(s)	
10/808,787	MORSE, MICHAEL T.	
Examiner	Art Unit	
James D. Stein	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to divisional application filed 3/23/2004.
2.  The allowed claim(s) is/are 1-9.
3.  The drawings filed on 23 March 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1204
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Phan T. H. Palmer*  
PHAN T. H. PALMER  
PRIMARY EXAMINER  
12/27/2004

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

*Amdt / JDS*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: In paragraph [0001], "[Attorney Docket No. 42P13840]" is replaced with "10/160625, filed 05/31/2002". Also, "[Attorney Docket No. 42P13842]" is replaced with "10/159379, filed 05/31/2002".

***Allowable Subject Matter***

Claims 1-9 are allowed.

The following is an examiner's statement of reasons for allowance: None of the cited prior art taken alone or in combination anticipates or obviates the claimed invention. In particular, removing a portion of the protective layer so as to define a taper footprint, and subsequently form said taper from a semiconductor layer, which is grown using a selective silicon epitaxy process, is not taught by the prior art. Upon completing said taper growth, said taper is treated with chemical mechanical polishing. In this manner a smooth, *unetched* taper may be formed, resulting in less optical power loss upon coupling. In contrast, the related prior art only teaches forming a taper portion from a *previously* grown semiconductor layer by etching or polishing said semiconductor

layer so as to form a desired taper shape. See for example, USPAT 6,813,432 to Salib. Furthermore, if the prior art does teach forming said taper portion by selective epitaxial growth, a further etching stage is also taught in order to adjust said taper portion to form a desired shape. Such would *not* result in said taper having "at least one unetched surface," as claimed by applicant. See for example, USPAT 6,816,660 to Nashimoto.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

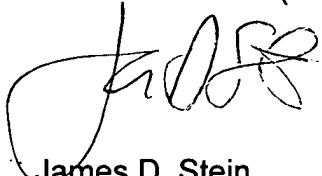
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPAT 6,813,432 to Salib, and USPAT 6,816,660 to Nashimoto, which disclose related methods of forming tapered waveguides on a substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Stein whose telephone number is (571) 272-2132. The examiner can normally be reached on M-F (8:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James D. Stein



PHAN T. H. PALMER  
PRIMARY EXAMINER

